

**IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT
OF ALABAMA, NORTHERN DIVISION**

Deloise Price,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 2: 06 cv721-MHT
)	
Wal-Mart Stores, Inc.,)	
Extreme Performance, Inc.,)	
)	
Defendants.)	

MOTION TO ALLOW ADDITIONAL TIME TO FILE RESPONSE

Plaintiff files this motion seeking additional time to respond to the Defendant's Motion to Dismiss and states:

1. On August 8, 2007, this Court entered a briefing schedule ordering that Plaintiff shall file her response to defendant's motion to dismiss by August 20, 2007.
2. Since that time, the undersigned counsel has been out of state in mediation and preparing for and trying the case of Fannin v. Segrest, Cv 05-195, pending in Macon County, Alabama, which commenced on August 15, 2007. In addition, the undersigned is scheduled to start the jury trial of Lawrence v. Macon County Greyhound Park, Cv 05-23, pending in Macon County, Alabama, on Monday, August 20, 2007. There are no settlement discussions ongoing in the Lawrence case.
3. The Plaintiff anticipates filing affidavits in opposition to the Defendant's motion. The undersigned simply has not had time to prepare the affidavits and responsive brief.

4. On August 15, 2007, this Court entered an order moving the pretrial conference in this case to October 18, 2007, and the trial term to November 26, 2007.

5. The undersigned spoke with Dennis Bailey, counsel for the defendant, and was informed that the defendant does not oppose this motion. No prejudice will result to any party.

6. In sum, the undersigned simply needs additional time to adequately respond.

Wherefore, the Plaintiff prays for an extension of time to respond to Defendant's motion of fourteen days, giving Plaintiff until September 3, 2007, to respond.

Respectfully Submitted,

/s/ Brian P. Strength
JOCK M. SMITH (SMIO47)
BRIAN P. STRENGTH (STR052)
Attorneys for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon counsel listed below by electronic notification on this the 16th day of August, 2007;

Dennis Bailey
Rushton, Stakely, Johnston & Garrett, P.A.
P.O. Box 270
Montgomery, AL 36101

/s/ Brian P. Strength
OF COUNSEL